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**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

SARA LYNN LUNDLI,

Petitioner,

vs.

KIRSTJEN NIELSEN, SECRETARY OF THE
DEPARTMENT OF HOMELAND
SECURITY, L. FRANCIS CISSNA,
DIRECTOR OF THE UNITED STATES
CITIZENSHIP AND IMMIGRATION
SERVICES, DONALD NEUFELD,
ASSOCIATE DIRECTOR, SERVICE
CENTER OPERATIONS DIRECTORATE,
CYNTHIA MUNITA, SEATTLE FIELD
OPERATIONS DIRECTOR, UNITED
STATES CITIZENSHIP AND
IMMIGRATION SERVICES,

Respondents

No:

PETITION FOR WRIT OF MANDAMUS

ALIEN NO. 204-263-500

U.S.C.I.S. CASE NO. SRC1790289242

I. INTRODUCTION.

1. The Petitioner, Sarah Lynn Lundli, is a citizen of the United States. She is seeking an order compelling the Department of Homeland Security, United States Citizenship and Immigration Services (DHS, USCIS) to adjudicate a long-pending immigrant visa

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petition that she filed for her spouse – Ramiro Rodrigo Chavez-Castilla, who has been detained at the Northwest Detention Center while waiting for the processing to complete.

II. PARTIES

2. Petitioner Sarah Lundli is a citizen of the United States and is domiciled within this judicial district.
3. Respondent Cynthia Munita is, on information and belief, the Field Office Director, DHS, USCIS Seattle.
4. Respondent Donald Neufeld is, on information and belief, the Associate Director, Service Center Operations Directorate of the DHS, USCIS.
5. Respondent L. Francis Cissna, is on information and belief, the Director of the DHS, USICS.
6. Respondent, Kirstjen Nielsen is sued in her official capacity as the Secretary of the Department of Homeland Security, an agency of the United States. She is the executive officer who has authority to implement immigration laws and who ultimate authority over the adjudication of Ms. Lundli's petition.

III. JURISDICTION

7. This court has jurisdiction pursuant to 8 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1361 (jurisdiction over actions for mandamus).
8. Venue in the Western District of Washington is appropriate under 28 U.S.C. § 1391 (e)(1) because the Petitioner is domiciled within this district.

IV. FACTUAL ALLEGATIONS

9. Petitioner, Sarah Lundli is a United States citizen who was resides in Shoreline, Washington.

10. Ms. Lundli is married to Ramiro Chavez-Castilla, a citizen of Peru. Ms. Lundli and Mr. Chavez-Castilla have been married since October 26, 2016.

11. Mr. Chavez-Castilla lawfully entered the United States on July 19, 2006 under a B-2 tourist visa.

12. Ms. Lundli filed an I-130, Petition for Alien Relative on February 17, 2017 with the USCIS.

13. The USCIS has conducted two in person interviews. On February 22, 2018, Ms. Lundli appeared at the USCIS for a personal interview. Mr. Chavez-Castilla did not attend the interview as he was detained at the Northwest Detention Center (NWDC).

14. The USCIS requested a second interview directly with Mr. Chavez-Castilla. On May 29, 2018, Mr. Chavez-Castilla was transported from the NWDC to the USCIS office located in Seattle, WA for an in-person interview. Ms. Lundli also came for the appointment, but the USCIS declined to interview her further.

15. On June 5, 2018, Ms. Lundli submitted additional evidence to the USCIS, including evidence that was requested and supplemental evidence as to the bona fides of the marriage.

16. Ms. Lundli, through counsel, has made several requests to the USCIS as to the status of the pending I-130 petition on the following dates: March 23, 2018, April 5, 2018, May 4,

1 2018, June 5, 2018, July 9, 2018, August 6, 2018. All requests to USCIS have been
2 ignored and no response has been given to counsel.

3 17. Mr. Chavez-Castilla remains detained at the NWDC. The Immigration Judge has granted
4 8 continuances for the adjudication of the I-130 petition.

5 18. Ms. Lundli's counsel has also reached out to ICE counsel at the NWDC, who has also
6 tried to notify the USCIS expedite the petition since this is a detained individual and
7 assist in getting the I-130 petition adjudicated. However, there has been no response to
8 Ms. Lundli from USCIS as to adjudication of the petition.

9 19. The I-130 petition is well past the normal processing times for a United States citizen
10 spouse petition. The normal processing times located on the USCIS website are between
11 6.5 to 8.5 months. As of September 16, 2018, Ms. Lundli's petition has been pending
12 for 576 days or 1 year, 6 months, 30 days. It is well beyond the normal processing times.

13 20. Mr. Chavez-Castilla remains incarcerated while waiting for the I-130 adjudication. If
14 the I-130 petition is granted, then he can apply for adjustment of status with a waiver for
15 his criminal conviction in removal proceedings.

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19 **V. IRREPARABLE INJURY AND EXHAUSTION**

20 21. Ms. Lundli is experiencing extreme hardship due to the separation of her spouse. She
21 suffers from a mental illness that has been exacerbated since the separation from her
22 husband. The USCIS has received extensive documentation of this hardship and has
23 ignored all requests to adjudicate the I-130 petition.

24 22. Ms. Lundli has exhausted all available administrative remedies. She has, through
25 counsel, requested that the USCIS adjudicate the petition on several occasions. She has

1 informed the USCIS that she intends to file federal action if they do not adjudicate. She
2 has tried to seek the assistance of ICE counsel to get the petition adjudicated.

3
4 **VI. CLAIM FOR RELIEF**

5 23. Respondents owe a non-ministerial duty to adjudicate immigration benefit applications,
6 including Ms. Lundli's I-130 petition, within a reasonable time, especially if an
7 individual is incarcerated.

8 24. Respondents have failed to adjudicate Ms. Lundli's I-130 petition for 576 days or 1 year,
9 6 months, 30 days, well in excess of the standard processing time of 6.5-8.5 months for
10 an I-130 petition.

11 25. Petitioner's claim for relief is clear and certain in that she is in a bona fide marital
12 relationship with her spouse.

13 26. Petitioner has no other adequate remedy at law.

14 27. Respondents actions therefore violate the Administrative Procedure Act, 5 U.S.C., §
15 706(1).
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18 **REQUEST FOR RELIEF**

19 Petitioner requests that the Court grant the following relief:

- 20 1. Order the Department of Homeland Security to adjudicate the I-130 petition within
21 15 days.
22
23 2. Award reasonable attorneys' fees and costs to the Petitioner.
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25 3. Grant any other relief in the interests of justice.

26 Respectfully submitted this 16 September 2018.

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3 Dated this 20th day of September 2018.
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5 S/ Nicholas W. Marchi
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